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C O N F I D E N T I A L SECTION 01 OF 02 STATE 015047

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C O R R E C T E D C O P Y (ADDED TRIPOLI)

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TAGS: [EAIR](#) [ECON](#) [AMGT](#) [PREL](#) [RS](#)

SUBJECT: RUSSIAN AIR NAVIGATION FEES POLICY

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Classified By: EUR Deputy Assistant Secretary David J.
Kramer for reasons 1.4 (b) and (d).

11. (U) This message provides interim guidance to post on handling diplomatic clearance requests for U.S. official state flights through or into Russian territorial airspace.

12. (C) Background: Effective 1 November 2007, the government of Russia (GOR) implemented a new policy with respect to charging air navigation fees to U.S. state aircraft. Under this policy, U.S. state aircraft will not be granted diplomatic clearance to transit through Russian airspace unless the USG pre-pays air navigation fees. The GOR also seeks to levy air navigation charges against U.S. state aircraft that enter the Russian flight information region (FIR), even when the state aircraft remains outside Russian territorial airspace and in international airspace.

13. (C) This policy conflicts with the USG's longstanding global policy not to pay air navigation fees for U.S. state aircraft. The U.S. policy is based upon the unique status of state aircraft under international law as instruments of a sovereign. Any change in the USG's policy for Russia would have a significant, detrimental effect on the USG's ability to maintain its policy worldwide, and would significantly increase costs for U.S. state aircraft flight time. In particular, DoD anticipates that Central Asian countries, over which DoD conducts thousands of state aircraft flights a year to support Coalition operations in Afghanistan, could seek to establish a policy similar to Russia's, thereby seriously impeding Coalition military operations in Afghanistan.

14. (C) In this context, Department of State and Department of Defense personnel met on 7 December 2007 to discuss the issue and how to address it with the GOR. The following guidance was developed as a result of this meeting and is provided as interim guidance until the issue is resolved

with the Russian Federation:

¶A. The USG will maintain its longstanding global policy of not paying air navigation fees for flights of U.S. state aircraft.

¶B. U.S. state aircraft flights under existing treaties (e.g., Open Skies) that exempt such flights from payment of air navigation fees will continue to be conducted in accordance with arrangements established under the relevant treaty for such flights. Post should immediately inform the Department of any attempt by Russia to impose air navigation fees on such flights.

¶C. U.S. state aircraft flights planning to transit Russian territorial airspace: Post should not/not request diplomatic clearances for U.S. state aircraft flights to transit through Russian territorial airspace. The DoD Foreign Clearance Guide has been amended to inform DoD aircrews that diplomatic clearances are not being granted; that flights should be planned to transit around Russian territorial airspace; and that passengers should be informed to plan accordingly. Further, the U.S. does not request diplomatic clearance for U.S. state aircraft flights that will enter a FIR but which will not enter the territorial airspace of a country. Diplomatic clearance is not required for a state aircraft exercising the right to transit international airspace.

¶D. U.S. state aircraft flights seeking to land in Russia: Post should continue to request diplomatic clearance for all U.S. state aircraft flights seeking to land in Russia, including in the request the purpose of the mission and the title of any VIP passenger, if any. However, post should not/not seek any type of exemption

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from the Russian air navigation fee policy for these flights (NOTE: Seeking an exemption would compromise the U.S. position by tacitly allowing a practice to evolve that narrows the definition of state aircraft to only head of state and cabinet level transport. Such a practice would serve Russian but not U.S. interests. END NOTE). DoD aircraft schedulers will be instructed to inform all passengers at receipt of a scheduling request that diplomatic clearance may be denied or conditioned on prepayment of air navigation fees, in which case passengers will need to make alternative travel plans, such as commercial or charter air transportation or moving a scheduled meeting to a different location outside of Russian territory.

¶5. (U) Points of contact on this issue are Martha Patterson, EUR/RUS, (202)736-4441 or Tom Herold, L/PM, (202)647-7563 for the Department of State and for the Department of Defense, Dale Cheney, USAF/A5XP, (703)614-0130 or Theresa Mitchell, OSD/GSA/PS, (703)697-2749.

¶6. (U) Minimize considered.
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